

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 10-46451

JORDAN C. HARRIS,

Chapter 13

Debtor.

Judge Thomas J. Tucker

**ORDER DENYING DEBTOR'S MOTION
TO EXTEND THE AUTOMATIC STAY (DOCKET # 9)**

This case is before the Court on Debtor's motion entitled "Debtor's Motion to Extend the Stay Beyond 30 Days Pursuant to 11 USC [§] 362[(c)](3)(B)," filed March 3, 2010 (Docket # 9, the "Motion"). The Court must deny the Motion, for the reasons stated below.

Debtor filed a voluntary petition for relief under Chapter 13 on March 2, 2010, commencing this case. As ¶ 2 of the Motion points out, Debtor previously filed two cases, which were pending within the previous year but were dismissed: Case No. 08-61831, dismissed on November 16, 2009; and Case No. 10-43325, dismissed on February 25, 2010. Therefore, under 11 U.S.C. § 362(c)(4)(A)(i), no automatic stay under § 362(a) went into effect upon the filing of this case. There is no automatic stay to extend, and § 362(c)(3)(B) does not apply. If Debtor wants the benefit of the stay under § 362(a), Debtor must file a motion to impose the stay under § 362(c)(4)(B), not a motion to extend the stay under § 362(c)(3)(B). Accordingly,

IT IS ORDERED that the Motion (Docket # 9), is DENIED, without prejudice to Debtor's right to file a timely motion to impose the stay under 11 U.S.C. § 362(c)(4)(B) (*i.e.*, no later than April 1, 2010, 30 days after filing the petition).

Signed on March 04, 2010

/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge